

HR Weekly Podcast

5/16/2007

Today is May 16, 2007, and welcome to the HR Weekly Podcast from the State Office of Human Resources. This week's topic concerns the current pending federal and state legislation relating to immigration.

The current immigration system was created by the United States Congress in 1952 with passage of the Immigration and Nationality Act. Things have obviously changed significantly in the United States and the world since 1952, including the events of 9/11.

Congress has considered immigration reform in recent years. For immigration reform to be successful, both national security and the national economy must be served.

The Secure American and Orderly Immigration Act of 2005 was introduced in Congress in May of 2005. The balanced and comprehensive bill was supported by President Bush and passed the Senate but did not pass the House. The bill died at the end of the last session of Congress.

The STRIVE Act of 2007 was introduced in the U.S. House of Representatives in March of 2007. The STRIVE Act proposes comprehensive immigration law reform touching on the areas of border security; enforcement, including a mandatory electronic system for verification of an employee's work eligibility; and a new temporary work visa for non-professional workers. Under the employment eligibility verification system, federal, state, and local employers would have to comply within one year and would also be required to re-verify the eligibility of their entire workforce. The change in leadership from Republican to Democratic in the U.S. Senate and House has raised hopes for passage of federal immigration reform. Some people fear, however, that if debate of the legislation extends beyond this summer, it will venture too close to the presidential campaigns and election to be passed by Congress.

Because Congress has not passed national immigration reform, a number of states have passed legislation to address the issue. South Carolina's General Assembly has a number of pending bills that relate to immigration.

Perhaps the most comprehensive bill is the South Carolina Illegal Immigration Reform Act of 2007, Senate Bill S.392. The bill includes creation of an illegal immigration information hotline, an employment verification program, and a provision for the Chief of SLED to negotiate a Memorandum of Understanding with the U.S. Justice Department or Department of Homeland Security for enforcement of federal immigration laws. There are a number of S.C. House bills that address similar issues. Both of the Senate and House bills which address employment verification require public employers to participate in the federal work authorization program, known as the Basic Pilot Program.

The General Assembly's 2007 session is rapidly drawing to a close. At this point, all of the pending immigration bills seem to be in committee.

OHR will monitor the status of both the federal and state immigration reform bills. We will update you concerning any bills that are enacted into law and provide guidance about the potential impact of any legislation.

Thank you.